

Council Directive 2013/64/EU of 17 December 2013 amending Council Directives 91/271/EEC and 1999/74/EC, and Directives 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union

COUNCIL DIRECTIVE 2013/64/EU

of 17 December 2013

amending Council Directives 91/271/EEC and 1999/74/EC, and Directives 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 349 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to opinion of the European Parliament<sup>(1)</sup>,

Having regard to the opinion of European Economic and Social Committee<sup>(2)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) By European Council Decision 2012/419/EU<sup>(3)</sup>, the European Council decided to amend the status of Mayotte with regard to the Union with effect from 1 January 2014. From that date, Mayotte will cease to be an overseas country or territory and will become an outermost region of the Union within the meaning of Article 349 and Article 355(1) of the Treaty on the Functioning of the European Union (TFEU) (hereinafter ‘Mayotte’). Following this amendment of the legal status of Mayotte, Union law will apply to Mayotte from 1 January 2014. Taking account of the particular structural social and economic situation of Mayotte, certain specific measures should be provided for in a number of areas.
- (2) It is appropriate to take account of the particular situation in Mayotte as regards the state of the environment, which needs to be considerably improved for it to comply with environmental objectives laid down by Union law, and for which additional time is needed. Specific measures in order to gradually improve the environment should be adopted within specific time-limits.
- (3) In order to comply with the requirements of Council Directive 91/271/EEC<sup>(4)</sup>, measures need to be taken in Mayotte to ensure that agglomerations are provided with collecting

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systems for urban waste water. Such measures call for infrastructure works that should follow appropriate administrative and planning procedures and, furthermore, require the establishment of systems for measuring and monitoring urban waste water discharges. Due to the specific structural and economic situation of Mayotte, a sufficient period of time should be granted to France to allow those requirements to be met.

- (4) In the field of agriculture, as regards Council Directive 1999/74/EC<sup>(5)</sup>, it is noted that, in Mayotte, laying hens are reared in unenriched cages. In view of the considerable investment and preparatory work required to replace unenriched cages by enriched cages or alternative systems, it is necessary to postpone the prohibition of using unenriched cages for a period of up to 48 months from 1 January 2014. In order to prevent distortions of competition, eggs derived from establishments using unenriched cages should be marketed only on the local market of Mayotte. In order to facilitate the necessary controls, eggs produced in unenriched cages should bear a special mark.
- (5) In respect of Directive 2000/60/EC of the European Parliament and of the Council<sup>(6)</sup>, the proper implementation of that Directive as regards river basin management plans requires that France adopts and implements management plans containing technical and administrative measures to achieve good water status for, and to prevent the deterioration of, all bodies of surface waters. Due to the specific structural and economic situation of the new outermost region of Mayotte, a sufficient period of time should be granted for the adoption and implementation of such measures.
- (6) In respect of Directive 2006/7/EC of the European Parliament and of the Council<sup>(7)</sup>, the current state of surface waters in Mayotte needs to be considerably improved for them to comply with the requirements of that Directive. The quality of bathing waters depends directly upon urban waste water treatment, and the provisions of Directive 2006/7/EC may only be complied with progressively once agglomerations that affect the quality of urban waste waters comply with the requirements of Directive 91/271/EEC. Therefore, specific time-limits need to be adopted in order to allow France to meet the Union standards as regards bathing water quality in Mayotte as a new outermost region and due to its special social and economic situation.
- (7) In the area of social policy, account should be taken of the difficulties to comply with Directive 2006/25/EC of the European Parliament and of the Council<sup>(8)</sup> in Mayotte as of 1 January 2014. Due to its prevailing special social and economic situation, there are no technical facilities available in Mayotte for the implementation of measures necessary to comply with that Directive in the field of artificial optical radiation. Therefore, it is appropriate to grant a derogation to France from certain provisions of that Directive until 31 December 2017, provided that such facilities are not available in Mayotte and without prejudice to the general principles of protection and prevention in the area of health and safety of workers.
- (8) In order to guarantee a high level of protection of the health and safety of workers at work, consultation with the social partners should be ensured, the risks resulting from the derogation should be reduced to a minimum and the workers concerned should benefit from reinforced health surveillance. It is important to reduce the duration of the derogation as much as possible. Therefore, the national derogating measures should be

reviewed every year and should be withdrawn as soon as the circumstances justifying them no longer subsist.

- (9) In respect of Directive 2011/24/EU of the European Parliament and of the Council<sup>(9)</sup>, its transposition requires a number of adaptations to ensure continuity of care and information to patients. It is therefore appropriate to grant France an additional period of 30 months from 1 January 2014 to bring into force the provisions necessary to comply with that Directive in respect of Mayotte.
- (10) Directives 91/271/EEC, 1999/74/EC, 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

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- (1) Opinion of 12 December 2013 (not yet published in the Official Journal).
- (2) [OJ C 341, 21.11.2013, p 97.](#)
- (3) European Council Decision 2012/419/EU of 11 July 2012 amending the status of Mayotte with regard to the European Union ([OJ L 204, 31.7.2012, p. 131](#)).
- (4) Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment ([OJ L 135, 30.5.1991, p. 40](#)).
- (5) Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens ([OJ L 203, 3.8.1999, p. 53](#)).
- (6) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ([OJ L 327, 22.12.2000, p. 1](#)).
- (7) Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC ([OJ L 64, 4.3.2006, p. 37](#)).
- (8) Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ([OJ L 114, 27.4.2006, p. 38](#)).
- (9) Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare ([OJ L 88, 4.4.2011, p. 45](#)).